IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

TUESDAY, THE 21ST NOVEMBER 2006 / 30TH KARTHIKA 1928

RCRev..No. 274 of 2006()

RCA.43/2004 of RENT CONTROL APPELLATE AUTHORITY, KOTTAYAM
RCP.4/2002 of RENT CONTROL COURT, ETTUMANOOR
.....

REVISION PETITIONER/APPELLANT:

KASIMBAVA RAWTHER UMMER RAWTHER
ENCHIKALATHIL HOUSE, PADINJATTUMBHAGHOM KARA,
ATHIRAMPUZHA VILLAGE.

BY ADV. SRI.S.SREEKUMAR
SRI.P.K.SOYUZ
SRI.MARTIN JOSE

RESPONDENT:

SARAMMA SEBASTIAN, W/O. SEBASTIAN,
CHIRAYIL HOUSE, KIZHAKKUMBHAGOM KARA,
ETTUMANNOOR.

THIS RENT CONTROL REVISION HAVING BEEN FINALLY HEARD ON 21/11/2006,ALONG WITH RCR NO. 275 OF 2006 THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

P.R.RAMAN & K.P.BALACHANDRAN,JJ.

R.C.R.NOS.274 & 275 OF 2006

Dated this the 21st day of November, 2006

O R D E R

Balachandran, J.

Tenants are the revision petitioners in both these cases. Orders of eviction have been passed against the petitioners under Sections 11(2)(b) and 11)(3) of Act 2 of 1965, (hereinafter referred to as 'the Act') both by the Rent Control Court and by the Rent Control Appellate Authority, concurrently. It is challenging the said orders of eviction that the petitioners have come up in revision.

2. After advancing the argument at length, assailing the correctness, legality and propriety of the orders passed concurrently by the authorities below, counsel for the petitioners, probably on being convinced that

he was not able to make out a case so as to persuade us to interfere with the concurrent orders of eviction, submits that he does not want the revisions to be considered on merits and that it is enough, if sufficient time is granted to the petitioners to surrender vacant possession of the schedule building. We are of the view, after hearing the counsel for the respondent as well, that time of one year can be granted to the petitioners to surrender vacant possession of the schedule building imposing necessary conditions.

3. In the result, we dismiss these Rent Control Revisions. At the same time, we grant the petitioners time of one year each to surrender vacant possession of the schedule building to the respondent-landlady on the following conditions:

(i) Petitioners shall pay the entire arrears of rent and file an affidavit before the execution court reporting discharging of the entire arrears of rent, within one month from today.

(ii) They shall continue to pay the monthly rents to the respondent-landlady on the due dates itself till they actually surrender vacant possession of the schedule building to the respondent-landlady.

(iii) They shall not induct any strangers into the schedule premises.

(iv) They shall surrender vacant possession of the schedule premises to the respondent-landlady

positively on or before 21/11/2007 and

(v) They shall file affidavit before the execution court within one month from today undertaking to comply with the above conditions and also reporting compliance of condition No.(i). In case of failure, the petitioners shall be liable to be evicted forthwith on the expiry of the said one month.

P.R.RAMAN,
Judge.

K.P.BALACHANDRAN,
Judge.

kcv.